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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JUN FUJIMOTO, ET AL. : EXAMINER: MOSSER, R.E.
SERIAL NO: 10/502,053 :
FILED: JULY 30, 2004 : GROUP ART UNIT: 3714
FOR: GAME EXECUTION SYSTEM AND :
GAME EXECUTION METHOD

STATEMENT OF SUBSTANCE OF INTERVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following is a statement of substance of the telephone interview held on July 24, 2008 between Examiner Mosser and Applicants' representative. During the interview, the amendment filed on June 23, 2008 was discussed. As noted on the examiner's Interview Summary Sheet, no agreement was reached and the examiner indicated that further consideration would be required with regard to the amended claims and the newly presented claims.

For the sake of completeness, below are the arguments given in the filing of June 23, 2008, which were the basis for the discussions during the interview.

In the outstanding Office Action, Claims 1-5, 8-10, 12, 14-23, 26-28, 30, and 32-36 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilson et. al. (U.S. Patent No. 5,411, 258, hereafter "Wilson") in view of Walker et al. (U.S. Patent No. 6,001,016, hereafter "Walker").

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

a decision unit configured to generate a result of the game by using a computer logic before the entry time managed by the time management unit elapses;

Applicants' Figures 1 and 2 show a non-limiting example of a game execution system including a game controller 3 having a server 3A. Figure 2 shows that server 3A has a lottery unit 14 that acts as the decision unit (see page 14, lines 13-15). In the example, the lottery unit 14 can select a winning racehorse from among racehorses to run in a competitive game before the entry time managed by the time management unit elapses (see page 15, lines 17-22). In this example, users bet on the outcome of the race (see page 12, lines 19-21). The lottery unit 14 (the decision unit) generates a result of the race by using computer logic to determine the outcome of the race because it is part of the processing unit 10 (also see page 14, line 13 to page 15, line 3 of the specification). With this configuration, for example, it is difficult to forecast a winning horse because the result of the race is randomly generated (see lines page 15, lines 2-3 of the specification).

Wilson describes an interactive video horse race game. In Wilson, the game involves players placing bets for a simulated horse race based on a video of an actual horse race that was pre-recorded (see col. 1, lines 39-68, and col. 4, lines 7-27). Wilson explicitly states that ***"there is no computer logic determining the outcome of a race."*** (See col. 4, lines 13-15).

The Office Action takes the position that Wilson uses a computer processor to randomly determine which pre-recorded race to use as the player race and that this is the same as a computer logic randomly determining the outcome mapped to each particular race. (See Office Action, at page 5).

However, even if Wilson shows a computer logic selecting a pre-recorded race, Wilson still does not show a computer logic **generating** the result of the race. In other words, selecting which video of a race to show a user, in which the outcome has already been determined, is not the same as generating a result of a race itself. Here, the device of Wilson cannot produce the effects of Claim 1 because in the game of Wilson, “the outcome of the race is based on the outcome of the original race...the basic information being real and the outcome of that race being also real.” (See col. 4, lines 13-27).

Therefore, Wilson fails to disclose or suggest ***a decision unit configured to generate a result of the game by using a computer logic***, as defined by amended Claim 1.

Walker has been considered but fails to remedy the deficiencies of Wilson as discussed above with regards to Claim 1.

Therefore, Claim 1 patentably distinguishes over Wilson and Walker, taken either alone or in combination.

Independent Claim 19 recites features similar to those of Claim 1 as discussed above. Therefore, independent Claims 1 and 19 (and all dependent claims) patentably distinguish over Wilson and Walker, taken either alone or in combination.

With respect to new Claim 39, Applicants respectfully submit that new Claim 39 patentably distinguishes over Wilson and Walker for at least the following reasons. Claim 39 recites, *inter alia*,

the decision unit is configured to generate a result of the game by determining an outcome for an event from a plurality of possible outcomes for the event that are presented to the user to select from.

As discussed above, the Office Action takes the position that a computer logic in Wilson determines a result of a race by determining which pre-recorded race to use as the race to present to the users. For such a race there is only one possible outcome once the computer decides which video to use. Therefore, a decision unit in Wilson does not

“generate a result of a game by determining an outcome for an event from a plurality of possible outcomes,” as defined in Claim 39. Even if there is a plurality of possible outcomes by there being a plurality of videos to choose from, the user is in Wilson is not presented with this plurality of outcomes because the user is shown the one selected video of a race.

Therefore, Wilson fails to disclose or suggest a “decision unit is configured to generate a result of the game by determining an outcome for an event from a plurality of possible outcomes for the event that are presented to the user to select from,” as defined by Claim 39.

Walker has been considered but fails to remedy the deficiencies of Wilson as discussed above with regards to Claim 39. Therefore, Claim 39 patentably distinguishes over Wilson and Walker, taken either alone or in combination, for at least the foregoing reasons.

With respect to new Claims 40-41, Independent Claim 40 recites, *inter alia*,

transmitting at least a software for displaying effect contents of a game by a game providing device, upon a result that a client for each of the plurality of client terminals is identified as an authentic person on registration for participating in a game;

after fixing a game result for each game by a lottery, transmitting to each of the client terminals a specification information of effect patterns corresponding to the game result fixed by the lottery or results of win or loss with respect to bets done with each of the client terminals, by the game providing device;

setting the effect contents of a game executed by the software for displaying effect contents of a game based on the specification information of the effect patterns, by each of the client terminals.

Applicants respectfully submit that Wilson fails to disclose or suggest these features of Claim 40.

As discussed above, in Wilson, the game involves players placing bets for a simulated horse race based on a video of an actual horse race that was pre-recorded (see col. 1, lines 39-

68, and col. 4, lines 7-27). Therefore, because Wilson describes sending an actual video to show the results of a game, Wilson is not using software for setting and displaying an effect contents of a game on a client terminal.

Therefore, Wilson fails to disclose or suggest transmitting software to a client terminal for displaying effect contents of a game, transmitting specification information of effect patterns corresponding to a game result after fixing a game result for each game by a lottery, and setting the effect contents of a game executed by the software for displaying effect contents of a game based on the specification information of the effect patterns, by each of the client terminals, as defined by Claim 40.

Therefore, Applicants respectfully submit that new Claims 40 and 41 patentably distinguish over Wilson.

Walker has been considered but fails to remedy the deficiencies of Wilson as discussed above with regards to Claim 40. Therefore, Applicants submit that Claims 40 and 41 patentably distinguish over Wilson and Walker, either alone or in proper combination.

Additionally, Applicants note that the outstanding Office Action failed to address Claims 37 and 38, which were added in the previous Amendment filed on November 26, 2007. Therefore, Applicants respectfully request that Claims 37 and 38 be considered in the next Office Action.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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